

REMARKS

35 U.S.C. § 102 Claim Rejections

The Examiner has rejected claims 1, 3-5, 7, 11, 14, 19 and 21-29 as being anticipated under 35 U.S.C. § 102(e) by Abraham et al. (U.S. Pat. Pub. 2003/0171824). The Applicant has carefully considered the Examiner's comments. In response, the Applicant has amended claim 1 to incorporate the limitations of dependent claim 17. As an initial matter, there seems to be an inconsistency between the Office Action Summary sheet and the Detailed Action. In the summary sheet claims 1-42 are checked as being rejected. However, in the Detailed Action, claims 10 and 17 are not subject to any rejections. Thus, it appears that claims 10 and 17 may be subject only to objection because they depend from rejected claims. If that is the case, claim 1 is now allowable since the limitations of claim 17 have been incorporated into claim 1. Claim 10 has been cancelled. Nevertheless, since there is some confusion about what disposition the Examiner intended, Applicant offers the following comment about amended claim 1, independent claim 19, and the claims depending therefrom.

Applicant respectfully submits that Abraham et al. does not disclose all of the limitations of Applicant's claims as now presented. In particular, independent claims 1 and 19 require a cannula with a plurality of openings extending through the wall of the cannula wherein the plurality of openings form a pattern of struts. Abraham et al. does not disclose this limitation. In the Examiner's § 102 rejection (i.e., ¶ 2), the Examiner does not cite to anything in Abraham et al. to support the Examiner's assertion that Abraham et al. discloses a cannula comprising an opening extending through the wall thereof. However, in the Examiner's § 103 rejection based on Abraham et al., Schaldach et al., and Sabolinski (i.e., ¶ 6), the Examiner asserts that Abraham et al. discloses openings at paragraph [0012]. This paragraph, however, only says that processed tissue matrices may be treated prior to fabrication of a bioengineered graft prosthesis, listing perforating as one possible physical modification. Abraham et al. does not disclose a cannula with struts that are formed by openings extending through the wall of the cannula.

Accordingly, independent claims 1 and 19 are allowable since Abraham et al. does not disclose all of the limitations of these claims. Claims 3-5, 7, 11, 14 and 21-29 are also allowable since these claims depend from claims 1 and 19. Any further arguments would be superfluous at this time.

35 U.S.C. § 103 Claim Rejection

The Examiner has rejected claims 2, 6, 8-9, 12, 15, 20 and 28 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Schaldach et al. (U.S. Pat. Pub. 2002/0123793). All of these claims depend from either independent claim 1 or 19. As explained above, claim 1 is allowable. Therefore, the claims depending therefrom are also allowable. As a result, any additional arguments that could be made are unnecessary and would be superfluous at this time.

The Examiner has also rejected claims 13 and 16 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Yang (U.S. Pat. 6,613,082). As explained above, claims 1 and 19 are allowable. Therefore, the claims depending therefrom are also allowable. As a result, any additional arguments that could be made are unnecessary and would be superfluous at this time.

The Examiner has also rejected claims 9, 13, 18, 30 and 31-42 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Schaldach et al. and further in view of Sabolinski (U.S. Pat. Pub. 2004/0002772). The Applicant has carefully considered the Examiner's comments. However, Applicant respectfully submits that the Examiner's combination of prior art does not disclose all of the limitations of Applicant's independent claim 31. In particular, like claims 1 and 19, claim 31 requires a cannula with a plurality of openings extending through the wall of the cannula wherein the plurality of openings form a pattern of struts. None of the prior art of record discloses this limitation. The Examiner's assertion that Abraham et al. discloses perforations has been addressed above. Additionally, the Examiner asserts that Sabolinski also discloses perforations, fenestrations and/or holes at paragraph [0024]. However, this paragraph in Sabolinski only says that the fenestrations may be applied manually using a punch, scalpel, needle or pin and that smaller, more uniform holes may be applied using a laser or by chemical etching. Sabolinski does not

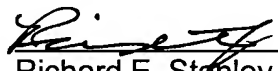
disclose a cannula with struts that are formed by openings extending through the wall of the cannula.

Accordingly, independent claim 31 is allowable since neither Abraham et al., Schaldach et al., nor Sabolinski disclose all of the limitations of the claim. Claims 9, 13, 18, 30 and 32-42 are also allowable since these claims depend from claims 1, 19 and 31. Any further arguments would be superfluous at this time.

Conclusion

In response to the Examiner's comments, Applicant has amended claims 1, 13 and 18 and has cancelled claims 10 and 17. In addition to the other limitations of the claims, all of the claims now require a cannula with struts that are formed by openings extending through the wall of the cannula. None of the prior art of record discloses this limitation. Thus, the claims as now presented are allowable. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,



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